

REMARKS

The Official Action of September 25, 2007, has been carefully reviewed. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

The claims have been amended to be directed to the elected invention. Support for this amendment is found in the Specification e.g. paragraph 0009 to paragraph 0020, and the claims of the application as filed. The claims under consideration are Claims 34-47.

Restriction Requirement

Under 35 U.S.C. 121 and 35 U.S.C. 372, the Examiner required restriction among:

Group I, Claims 16-33 drawn to compounds of formula 1 wherein X^1 and X^2 are nitrogen, processes of making composition and use;

Group II, Claims 16-33 drawn to compounds of formula 1 wherein one of X^1 or X^2 is nitrogen, the other CH, processes of making composition and use; and

Group III, Claims 16-33 drawn to compounds of formula 1 wherein both X^1 and X^2 are CH, processes of making composition and use.

In response to this requirement, the Applicants elect Group III, Claims 16-33 drawn to compounds of formula 1 wherein both X^1 and X^2 are CH (i.e. phenyl ring) without traverse. The claims reading on the elected invention are new Claims 34-47.

Although the Applicants maintain that the claims should not be subject to restriction, in the interest of compact prosecution they have amended the claims to be directed to the elected subject matter.

This election is being taken without prejudice to the filing of a divisional application directed to the non-elected subject matter. In accordance with the third sentence of 35 U.S.C. § 121, a patent issuing from the instant application should not be a reference against a divisional application filed before the issuance of such patent. As the Examiner noted, Applicants preserve the right to file divisional applications on the remaining subject matter.

Serial No.: 10/574,087

Case No.: BY0031P

Page: 9

Applicants respectfully contend that the application is allowable and a favorable response from the Examiner is earnestly solicited.

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